

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:07 CV 20**

**BENJAMIN GATTI,**  
**as legal guardian of minor Jane Doe,**

**Plaintiff,**

**v.**

**TOPLESS CLUB,**  
**ROLLINS DONALD MONROE, SHARON A.**  
**ROLLINS, and DMR CORPORATION (NC),**

**Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** *sua sponte* as to the status of this case. The undersigned notes that the Plaintiff filed an “Initial Complaint ...” (Document No. 1) on December 22, 2006, and an “Amendment of Complaint of Sexual Discrimination (Harrasment)[sic] of Minor(s) Under Title 42. § 2000a. and Preliminary Motion for Discretionary Relief Pursuant to USC 42 § 2000a-3(a)” (Document No. 4) on February 9, 2007. There has been no proof of service of process or waiver of service of process in this case. This matter has been assigned to the undersigned Magistrate Judge and is now ripe for disposition.

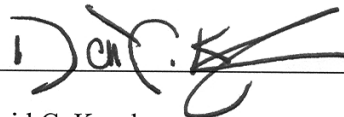
On April 6, 2007, the Clerk of Court sent Plaintiff a Notice of Lack of Prosecution (Document No. 6) advising the Plaintiff “[i]f proof of service of process or waiver of service is not filed within **20 days** of this notice could result in this matter being dismissed for failure to prosecute.” On May 11, 2007, Plaintiff filed a “Motion to Extend Time to Effect Service” (Document No. 7) .

The undersigned filed an “Order” (Document No. 8) on May 21, 2007 granting Plaintiff’s

motion for extension of time up to and including June 8, 2007. The Court's Order warned Plaintiff to "file proof of service of process or waiver of service as to the Defendants, on or before **June 8, 2007** or this case is likely to be dismissed for lack of prosecution." No indication of service of process has been filed, or any other motion since the Court's Order on May 21, 2007.

**IT IS, THEREFORE, ORDERED** that this case be **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

Signed: June 13, 2007

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge

